

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF NEW YORK

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WILLIAM DIGIANNI,

Plaintiff,

-against-

ORDER AND CIVIL JUDGMENT
10 CV 206 (RJD) (LB)

PEARSON EDUCATION,

Defendant.
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DEARIE, Chief Judge.

Plaintiff, William DiGianni, brings this *pro se* action alleging that defendants retaliated against him for filing prior employment discrimination actions.¹ By memorandum and order dated April 30, 2010, plaintiff was denied permission to proceed *in forma pauperis* (“IFP”) pursuant to 28 U.S.C. § 1915, and was informed that if he intends to commence this action he must pay the statutory filing fee of \$350 within ten (10) days of the date of this order. Plaintiff was further advised that failure to do so would result in the dismissal of his complaint. More than ten days have elapsed since the Court’s mailing of the memorandum and order. To date, plaintiff has failed pay the filing fee. Accordingly, it is

¹ Plaintiff is a frequent filer who has filed many employment discrimination cases. See DiGianni v. National Evaluation Systems Inc., 05 CV 4983 (ERK) (dismissed by order dated July 16, 2007); DiGianni v. Spitzer et al., 05 CV 5408 (ERK) (dismissed by order dated July 31, 2006); DiGianni v. Bloomberg et al., 06 CV 392 (ERK) (dismissed by order dated December 12, 2007); DiGianni v. New York State Department of Education et al., 08 CV 762 (RJD) (dismissed by order dated October 8, 2009); DiGianni v. New York City Department of Education et al., 08 CV 923 (RJD) (consolidated into lead case 08 CV 762); DiGianni v. American International Group, 08 CV 4355 (RJD) (dismissed by order dated March 31, 2010); DiGianni v. Pearson et al., 09 CV 1760 (RJD) (pending employment discrimination action); DiGianni v. Orrick, Herrington & Sutcliffe et al., 09 CV 3653 (RJD) (dismissed as frivolous, by order dated September 30, 2009); DiGianni v. New York State Department of Education, 09 CV 4941 (RJD) (dismissed on February 5, 2010 for failure to pay filing fee); DiGianni v. Pearson, 09 CV 5275 (RJD) (pending employment discrimination action); DiGianni v. American International Group, 10 CV 1359 (RJD) (IFP status denied by order dated May 13, 2010); DiGianni v. New York City Department of Education et al., 10 CV 1538 (RJD) (IFP status denied by order dated May 13, 2010); DiGianni v. New York City et al., 10 CV 2008 (RJD) (IFP status denied by order dated May 13, 2010).

ORDERED, ADJUDGED AND DECREED: that the action is hereby dismissed without prejudice. The Court certifies pursuant to 28 U.S.C. § 1915 (a)(3) that any appeal from this order and judgment would not be taken in good faith. See Coppedge v. United States, 369 U.S. 438, 444-45 (1962).

SO ORDERED.

s/ Judge Raymond J. Dearie

RAYMOND J. DEARIE
United States District Judge

Dated: May 14, 2010
Brooklyn, New York